

**REMARKS**

Claims 1-41 are pending in the subject application.

Response to Claim Rejections

Claim 1

Claim 1 is directed to an absorbent garment for personal wear about the wearer's waist. The absorbent garment comprises:

an absorbent assembly constructed to take in and retain body exudates released by the wearer, the absorbent assembly having an inner surface adapted for contiguous relationship with the wearer's body, an outer surface, a front waist region, a back waist region, a crotch region extending longitudinally between and interconnecting the front waist region and the back waist region, a front waist end and a back waist end; and

a garment shell configured for encircling the wearer's waist, said garment shell having a front waist region, a front waist end at said front waist region, a back waist region, and a back waist end at said back waist region, the absorbent assembly being disposed generally within the garment shell, and a waist belt configured for wear about the wearer's waist, the absorbent assembly being releasably attached generally at the front and back waist regions thereof to the waist belt, the garment shell being attached generally at the front and back waist regions of said garment shell to the waist belt whereby the front waist region of the garment shell is in opposed relationship with the front waist region of the absorbent

assembly and the back waist region of the garment shell is in opposed relationship with the back waist region of the absorbent assembly.

As described in paragraphs [0093]-[0104] and shown, for example, in Figs. 7 and 8 of the present specification, an absorbent garment 10 according to one embodiment has a garment shell 222, an absorbent assembly 224 disposed within the garment shell, and a waist belt 274. The waist belt 274 is configured for extending about the waist of the wearer to provide a suitable fit of the absorbent garment on the wearer's waist.

As shown in Fig. 8, the absorbent assembly 224 can be releasably attached to an inner surface of the waist belt 274 by fastening components 370 attached to the outer surface of front and back waist ends 338, 340 of the absorbent assembly. The garment shell 222 can be releasably attached to the outer surface of the waist belt 274, such as by fastening components 374 attached to the inner surface of the garment shell generally at the front and back waist ends 256, 258 thereof or, alternatively, can be permanently attached to the waist belt.

Claim 1 is submitted to be nonobvious and patentable over the references of record, and in particular U.S. Patent No. 6,115,847 (Rosch et al.) in view of U.S. Patent Application Publication No. 2002/0087137 (Christoffel et al.), in that whether considered alone or in combination the references fail to show or suggest an absorbent garment including a waist belt configured for wear about the wearer's waist. The references

also fail to show or suggest an absorbent garment having an absorbent assembly releasably attached generally at the front and back waist regions thereof to the waist belt.

It is respectfully noted by applicants that the Office action does not call out which component or components of the cited art is characterized by the Office as a waist belt as recited in claim 1. Rather, the rejection of claim 1 appears to be copied from a related case in which the waist belt is not recited in the claims being considered in that case.

Rosch et al., with reference to Figs. 1 and 2 thereof, disclose an active wear garment 10 comprised of a pant structure 12 and a skirt cover 14. The skirt cover 14 has a front panel 15 (Fig. 1) secured to a back panel 21 (Fig. 2). The front panel 15 has a waist region 31, and the back panel 21 has a waist region 33. The pant structure 12 includes a front waist band region 20, and a back waist band region 22 (Fig. 2). The pant structure 12 and the skirt cover 14 are permanently joined at the waist of the garment 10. See column 5, lines 42-45 (wherein the pant structure and skirt cover are described as being bonded together by adhesives or other bonding methods). See also column 1, lines 53-56 in which Rosch et al. teach that the waist band regions 20, 22 of the pant structure 12 are non-refastenably joined to the waist regions 31, 33 of the skirt cover 14. See also column 14, lines 38-43, column 15, lines 2-7, claim 1, claim 6, and the abstract.

In Fig. 4, Rosch et al. disclose a garment 110 of a second embodiment having a trunk (e.g., shorts-type) cover 114 instead

of the skirt cover 14 shown in Figs, 1 and 2. The trunk cover 114 can be formed with an integrated pant structure 112 or used by itself (i.e., without a pant structure). When the pant structure 112 is combined with the trunk cover 114, the pant structure and the trunk cover are joined at the waist. See column 12, lines 42-46. More specifically, waist regions 131, 133 of the trunk cover 114 are non-refastenably engaged to front and back waist band regions 120, 122 of the pant structure. See column 16, lines 14-20 and lines 50-57.

Rosch et al. thus fail to disclose or suggest a waist belt as recited in claim 1, nor does the Office action identify any of the structure of Rosch et al. as a waist belt. Rather, Rosch et al. disclose that the waist bands are formed integrally with the pant structure and the cover by attaching elastic members thereto. As mentioned in the Office action, "Rosch teaches that trunk cover 114 is joined to elastic members 143, 145 at the waste regions." See page 3 of the Office action citing col. 10, lines 45-49 of Rosch et al. Thus, Rosch et al. do not teach or suggest a waist belt as recited in claim 1, nor does the Office contend otherwise.

Moreover, Rosch et al. explicitly teach that the trunk or skirt cover is permanently bonded, i.e., non-refastenably joined to the pant structure at their respective waist regions. Accordingly, as recognized in the Office action, Rosch et al. fail to disclose an absorbent assembly that is releasably attached generally at its front waist region and its back waist region to a waist belt as recited in claim 1.

Christoffel et al. disclose a "one-piece" "disposable" swimsuit for girls. That is, the entire swimsuit is intended to be used once and then discarded. Thus, as in Rosch et al., the various components of the article (in this instance the swimsuit) are not constructed or even intended to be separated from each other. In particular, in each embodiment illustrated and described in Christoffel et al. the swimsuit 20 comprises a chassis 22 permanently (i.e., non-refastenably) secured to a bodice 42 to form the one-piece swimsuit. See paragraph [0074] in which Christoffel et al. disclose bonding the bodice 42 to the chassis 22 by adhesive bonding, thermal bonding or ultrasonic bonding, all of which are non-refastenable bonds.

With particular reference to Figs. 1-19 of Christoffel et al., in some of the disclosed embodiments the swimsuit 20 may further incorporate a relatively small rectangular integral (i.e., non-refastenably secured) absorbent assembly 54. See, e.g., Fig. 2 and paragraphs [0089-0091] in which the absorbent assembly is disposed between the coverstock 50 and a body side liner 108 and is thus non-refastenably disposed in the swimsuit. In other embodiments of Figs. 1-19, Christoffel et al. teach that the swimsuit 20 may be worn over a separate absorbent garment 88 (such as an absorbent swim pant). See, e.g., Fig. 16 and paragraph [0069].

In Figs. 20 and 21 of Christoffel et al. (and paragraphs [0072-0074] as relied on in the Office action), Christoffel et al. teach that the chassis 22 to which the bodice 42 is bonded may itself be a pant-like absorbent product 98 such as a diaper

or training pant. The bodice 42 in Figs. 20 and 21 is bonded to the front of the pant-like absorbent product 98 and covers the front upper torso without necessarily covering the wearer's back upper torso. Thus, as in the embodiments of Figs. 1-19, the bodice 42 is still bonded (i.e., non-refastenably secured) to the chassis 22.

Thus, Christoffel et al. (like Rosch et al.) fail to teach or suggest an absorbent assembly being releasably attached generally at its front waist region and its back waist region to a waist belt. Indeed, Christoffel et al. fail to even disclose a waist belt as recited in claim 1.

Since both Rosch et al. and Christoffel et al. fail individually to teach or suggest an absorbent assembly being releasably attached generally at its front waist region and its back waist region to a waist belt, a combination of these references must also fail to teach or suggest this feature of claim 1.

Moreover, there is no suggestion or motivation found in the cited references that would motivate one skilled in the art to modify Rosch et al. so that the pant structure 12, 112 is refastenably secured to a waist belt, let alone the skirt or trunk cover 14, 114. The lone mention by Christoffel et al. of a refastenable fastening system is found at paragraph [0073] thereof in which Christoffel et al. teach that a refastenable fastening system 92 (Fig. 21) may be used for greater ease in applying and removing the swimsuit. In particular, a front strap portion 68 of the bodice 42 is releasably attached to a

back strap portion 70 of the bodice (e.g., at the shoulders of the wearer). There is no suggestion whatsoever of using a similar fastening system to secure the bodice 42 to the absorbent pant product 98 of Christoffel et al. That is, Christoffel et al. expressly teach bonding the bodice to the absorbent assembly of Figs. 20 and 21. See paragraph [0074]. Thus, one skilled in the art would not be motivated by Christoffel et al. to use a waist belt and to also use a refastenable fastening system to releasably secure the pant structure of Rosch et al. to the skirt/trunk cover thereof and more particularly to a waist belt.

For these reasons, claim 1 is submitted to be nonobvious and patentable over the references of record.

Claims 2-34 depend directly or indirectly from claim 1 and are submitted to be patentable over the references of record for the same reasons as claim 1.

#### Claim 2

Claim 2 depends directly from claim 1 and recites that the garment shell is releasably attached to the waist belt generally at the front and back waist regions of said garment shell. This means that there must be three separate elements, i.e., the waist belt, the garment shell and the absorbent assembly, with the garment shell and the absorbent assembly each individually releasably attached to the waist belt.

As mentioned above, both Rosch et al. and Christoffel et al. fail to teach or suggest a waist belt. Moreover, Rosch et

al. and Christoffel et al. are both directed to single-piece garments. Thus, the cited references each fail to teach or suggest a separate waist belt, garment shell and absorbent assembly.

Claim 2 is therefore further submitted to be patentable over the references of record for the above reasons.

Claim 7

Claim 7 depends directly from claim 1 and further recites that the waist belt has an end portion which overlaps a portion of the waist belt other than said end portion upon extending about the wearer's waist, said end portion being adapted for releasable attachment to said other portion of the waist belt to secure the waist belt on the wearer's waist.

As mentioned above, both Rosch et al. and Christoffel et al. fail to teach or suggest a waist belt. Moreover, neither Rosch et al. nor Christoffel et al. teach or suggest any portions of the respective articles overlapping themselves about the wearer's waist. Accordingly the references clearly fail to teach or suggest a waist belt having an end portion that overlaps a portion of the waist belt other than the end portion.

For these additional reasons, claim 7 is further submitted to be patentable over the references of record.



Claim 8

Claim 8, which depends from claim 7, further recites that the overlapping end portion of the waist belt has at least one fastening component thereon, said at least one fastening component being adapted for releasable attachment to said other portion of the waist belt. Nowhere does either Rosch et al. or Christoffel et al. teach or suggest a waist belt having at least one fastening component adapted for releasable attachment to another portion of the waist belt as recited in claim 8.

Accordingly, claim 8 is submitted to be further patentable over Rosch et al. and Christoffel et al.

Claim 36

Claim 36 is directed to a method for placing an absorbent garment on a wearer's waist. The method comprises:

extending a waist belt about the wearer's waist such that an overlapping end portion of the belt overlaps an underlying portion of the belt;

releasably attaching the overlapping end portion of the belt to the underlying portion of said belt to secure the belt on the wearer's waist;

releasably attaching an absorbent assembly to said waist belt, the absorbent assembly being constructed to take in and retain body exudates released by the wearer, the absorbent assembly having an outer surface and an inner surface adapted for contiguous relationship with the wearer's body, said absorbent assembly further having a front waist region, a back

waist region, a crotch region extending longitudinally between and interconnecting the front waist region and the back waist region, a front waist end at said front waist region and a back waist end at said back waist region; and

attaching a garment shell to the waist belt, the absorbent assembly being configured for being disposed within the garment shell, said garment shell having a front waist region adapted for generally opposed relationship with the front waist region of the absorbent assembly and a back waist region adapted for generally opposed relationship with the back waist region of the absorbent assembly.

Claim 36 is submitted to be nonobvious and patentable over the references of record, and in particular Rosch et al. in view of Christoffel et al., for substantially the same reasons as set forth above with respect to claim 1 as well as to claim 7. That is, whether considered alone or in combination the references fail to show or suggest an absorbent garment including 1) a waist belt, and 2) an absorbent garment having an absorbent assembly releasably attached generally at the front and back waist regions thereof to the waist belt. As a result, the references also fail to show or suggest 1) extending a waist belt about the wearer's waist such that an overlapping end portion of the belt overlaps an underlying portion of the belt, 2) releasably attaching the overlapping end portion of the belt to the underlying portion of the belt to secure the belt on the wearer's waist, and 3) releasably attaching an absorbent assembly to the waist belt as recited in

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claim 36.

Accordingly, claim 36 is submitted to be patentable over the references of record. Claims 37-41 depend from claim 36 and are submitted to be patentable over the references of record for the same reasons as claim 36.

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**CONCLUSION**

In view of the foregoing, favorable consideration and allowance of claims 1-41 is respectively requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Bridge". The signature is fluid and cursive, with the first name "Richard" and last name "Bridge" being the most prominent parts.

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